

Policy on Durable Solutions for People Displaced by the 2010 Pakistan Floods

1. Rationale

The purpose of this document is to set out key principles and elements which will guide the support to be provided by the Humanitarian Country Team (HCT) to the federal and provincial authorities in facilitating durable solutions for persons displaced by the 2010 Pakistan floods.

This document is based on international law and standards governing durable solutions for internally displaced persons (IDPs), as articulated in the Guiding Principles on Internal Displacement.¹ Drawing on existing international law, the right of internally displaced people to a durable solution is outlined in Principles 28-30. As stipulated in the Guiding Principles, a durable solution can be achieved through: sustainable integration at the place of origin (return), at the location where affected persons were displaced to (local integration), or at a location in another part of the country (settlement in another part of the country). A durable solution is achieved when internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement. This has been further spelled out in the Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons.²

2. Background

Approximately 20 million people have been affected by the floods that struck five provinces of Pakistan between July and September 2010. The diversified needs across the provinces will require a multi-faceted response. The situation is rapidly changing and fluid. The floods have caused large-scale displacement (including in formal camps settings and spontaneous settlements), and in some areas secondary displacements. Unknown numbers of people are displaced in host communities. From information available at the field level, people in large areas of Sindh province will likely face protracted displacement. Many will require relief assistance for an extended period of time. Government experts estimate it may take several months for the water in some areas to dry out. In contrast, in some of the other flood-affected areas, the emergency phase is winding down, and the Federal and Provincial authorities and the humanitarian community is shifting to facilitating durable solutions for the internally displaced and, reconstruction and rehabilitation of affected areas. Emerging issues include: temporary relocations, closure of public buildings and army managed camps without provision of alternative support, lack of information for IDPs concerning their rights, constraints on access to identification papers and other documentation, and involuntary/forced evictions and returns.

3. Key challenges and constraints

The achievement of durable solutions is a gradual and long term process that addresses human rights, humanitarian, development and reconstruction challenges. Post 2010 floods problems are intricately linked to long-standing challenges in the flood-affected areas, including poverty, lack of access to food, housing, education, and healthcare. Pre-existing patterns of discrimination and vulnerabilities have likewise been exacerbated by the floods, such as bonded labour/economic exploitation, lack of documentation and housing, land and property issues. The response of the HCT is limited to addressing issues related to the floods, with the aim of strengthening the capacity of affected communities to reduce vulnerabilities, while needing to remain within the framework of humanitarian response and early recovery. The HCT will engage in advocacy at all levels that seeks to alleviate the specific vulnerabilities that have arisen from the floods and promote the inclusion of durable solutions principles in reconstruction and national development plans.

4. Key principles

The protection of IDPs, including providing them with a durable solution, is first and foremost the responsibility of the Government of Pakistan at the national, provincial and district levels. The international humanitarian and development community has a complementary role to support the Government of Pakistan in its efforts, in line with the Guiding Principles, which should inform all actors in their assistance and protection response. This requires safe, unimpeded and timely access to of all actors to persons of concern in supporting the achievement of durable solutions, including non-government and international humanitarian and development actors. Plans, programmes and activities with the aim of achieving durable solutions should adhere to a number of key principles, including:

- The needs, rights and legitimate interests of IDPs (women, men, girls and boys) should be the primary consideration guiding all policies and decisions on durable solutions (whether return, local integration or settlement elsewhere);
- All relevant actors need to respect the right of IDPs to make an informed and voluntary decision on what durable solution to pursue (whether return, local integration or settlement elsewhere), and to ensure that IDPs are able to exercise this choice without coercion (including for example the setting of arbitrary time limits to end assistance and making assistance conditional on specific choices, in addition to physical force);

¹ UN Document (E/CN.4/1998/53/Add.2)

² The procedural and substantive elements necessary for the achievement of durable solutions following conflict and natural disasters are elaborated in the Framework for Durable Solutions, which was endorsed by the IASC Working Group in December 2009.

- All IDPs have the right to participate in, and to be consulted regarding the planning and management of durable solutions so that their needs and rights are considered in relief, recovery and development strategies. All parts of the IDP population, including but not limited to women and children, older persons, disabled persons and socially marginalised groups must be fully included;
- Under no circumstances should IDPs be encouraged or compelled to return or relocate to areas where their life, safety, dignity, liberty or health would be at risk;
- IDPs should not be subjected to discrimination either against or among the internally displaced population and targeted measures should address the specific needs of particular groups at risk, including children, women at risk, persons with disabilities, socially marginalised groups and older persons;
- Populations and communities that re-integrate IDPs and whose needs may be comparable, must not be neglected in comparison to the displaced.

5. Planning durable solutions

Assistance will be offered to the displaced seeking durable solutions in parallel with assistance to host communities and those who did not leave flood-affected areas. The HCT Pakistan is currently ready to support the Government of Pakistan in three distinct but overlapping phases:

- ***Ongoing assistance to IDPs awaiting durable solutions***

As a result of stagnant waters, ongoing support to IDPs in planned camp settings and spontaneous settlements will be necessary for the coming three to six months. In these areas, the HCT Pakistan will continue with efforts to provide displaced persons with a minimum level of assistance, pending a durable solution. There may also be a significant residual population in camps and host families who are unable (or unwilling) to return to their homes for a number of reasons including land disputes, landlessness, vulnerability, future flood, landslides and conflict risks. In recognition of a more protracted situation, the HCT will undertake a profiling exercise of the IDP population, regarding their return perspectives/future intentions; adapt camps to evolving needs, map/monitor IDP formal/informal settlements to determine access to services, and set up information mechanisms on conditions in areas of return/resettlement and modalities of the return/resettlement process and support to which they are entitled (such as compensation, housing reconstruction, etc.). Concerted efforts will be made to collect disaggregated data.

- ***Assistance to displaced persons who have moved voluntarily and spontaneously to seek durable solutions in either return areas, their current areas of displacement, or elsewhere***

Such support should respond to, rather than dictate, the wishes and movement of the IDPs. Assistance provision should continue to be provided in areas of displacement to ensure population movements towards return/settlement elsewhere are voluntary. For those who have returned or settled elsewhere, the HCT support will be provided in line with a minimum standard of living conditions bearing in mind local conditions, and based on consultations with the affected populations. Additionally, efforts will be made to ensure durable solutions are incorporated in early recovery activities and programmes including livelihoods support. The HCT will make all efforts to assist host communities and people who remained in the flood-affected areas while at the same time offering assistance to the internally displaced seeking a durable solution. Special efforts will be made to address the needs of populations at risk, such as women, children, older persons, persons with disabilities and socially marginalised groups.

- ***Support to organised durable solutions as necessary conditions and benchmarks are met***

If and when IDPs clearly determine their wish to return or indicate other preferred durable solutions, and conditions are deemed safe by the responsible Government authorities and have the minimum standard of living conditions to re/integrate IDPs, bearing in mind local conditions and consultations with the affected populations, the HCT will support a number of assistance/recovery activities to ensure solutions for displacement are durable. In order to ensure that returns are voluntary and taking place under conditions of safety and dignity, the HCT will put into place monitoring and reporting mechanisms. In the absence of sufficient information for the displaced enabling them to make an informed and voluntary decision, including on alternatives to return, the involvement of the UN and its NGO partners in assisted returns should be limited to monitoring and reporting on the process only.

All humanitarian actors are urged to coordinate across clusters on this issue with these principles underpinning local decision making. To assist, context specific operational strategies will be developed at province/district level, assisted by minimum standards and best practices on emerging issues provided by the Protection Cluster and Durable Solutions Working Group, Islamabad. Annex 1 contains an explanatory note on the key concept of voluntariness which should be considered in partnership with this policy at all times.

Humanitarian Country Team
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